IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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I.T.R. No.73 of 1989
Date of Decision:10.01.2007

The Commissioner of Income Tax, Jalandhar

.....Petitioner

Vs.

M/s Mithan Lal Kalra Rice & General Mills, Mukatsar

.....Respondent

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Sanjiv Bansal, Advocate for the applicant.

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ORDER

The following question of law has been referred for opinion of this Court arising out of order passed by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar in I.T.A. No.833 of 1987 dated 3.2.1988 in respect of assessment year 1980-81:-

> "Whether on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal is right in law in deleting the addition of Rs.9,68,474/- made by the Income-tax Officer on account of difference in the value of stock hypothecated with the bank and that shown in the books of account of the assessee?"

It is not disputed that a similar issue has been gone into by this Court in I.T.R. No.119 of 1995 – **The Commissioner of Income Tax, Patiala v. M/s Jagdamba Woollen Mills (P) Limited, Ludhiana** decided on November 15, 2006, wherein the same has been answered against the revenue and in favour of the assessee.

For the reasons recorded therein, the question referred is answered against the revenue and in favour of the assessee.

(RAJESH BINDAL)
JUDGE

January 10, 2007 **(M.M.KUMAR)**
renu **JUDGE**